

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Jermeal White,  
Plaintiff.

Complaint  
Civil Action No.  
H: 21 CV 214

VS.

J. McFARLAND  
M.J. BOWMAN

ANNETTE CHAMBERS-SMITH, Director  
RONALD ERDOS, Warden  
CYNTHIA DAVIS, Deputy warden of  
operations.  
Defendants.

21 MAR 30 PM 2:55  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WEST DIV CINCINNATI  
RICHARD W. NAGEL  
CLERK OF COURT  
12

Jurisdiction and venue

This is a civil action completely authorized by 42 U.S.C. Section 1983 to redress the deprivation under color of State Law, of rights secured by the constitution of the United States. The court has complete jurisdiction under 28 U.S.C. Section 1331 and 1343 (a)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff's claims for injunctive relief are authorized by 28 U.S.C. Section 2283 and 2284 and Rule 65

## OF the Federal Rules of civil procedure

The United States District Court for the Southern District of Ohio Western Division is an appropriate venue under 28 U.S.C. section 1391 'b' (2) because it is where the events giving rise to this claim occurred.

### Plaintiff

Plaintiff Jermeal White, is and was at all times mentioned herein a prisoner of the State of Ohio in the custody of the Ohio Department of Corrections. He is currently confined in the Southern Ohio Correctional Facility, in Lucasville Ohio.

### Defendants

Defendant, Annette Chambers-Smith is the Director/Commissioner of the State of Ohio Department of Corrections. She is legally responsible for the overall operation of the Department and each institution under its jurisdiction, including the Southern Ohio Correctional Facility.



Defendant, Ronald Erdos is the Superintendent/Warden of Southern Ohio Correctional Facility. He is legally responsible for the operation of the institution the Southern Ohio Correctional Institution and the welfare of all the inmates in that Prison.

Defendant, Cynthia Davis is the Deputy Warden of operation of the State of Ohio, Department of Correction. Who at all times mentioned in this complaint held rank over Plaintiff being placed in harms way when he placed on the K2-unit.

Each Defendant is Sued individually and in his or her official capacity. At all times mentioned in this complaint each Defendant acted under color of State Law.

## FACTS

On March 19, 2021 Plaintiff was placed in harms way by Defendants, when they knowingly placed him on the K2-unit against the obvious fact it is not responsible, or ~~appropriate~~ appropriate for Plaintiff to be housed on that unit. The K2-unit is the same unit that Staff alleged Plaintiff assaulted them on 5-18-18, in which Plaintiff filed a civil complaint before this Honorable court on that matter in case No. 1:19-CV-00033, in which Plaintiff is pending an Appeal in the United States Court of Appeals for the Sixth Circuit case No. 20-4236 on the matter.

Also Plaintiff is pending another civil matter before this court in case No. 1:19-CV-01007 from an incident on the K2-unit in which Plaintiff was placed on that <sup>unit</sup> against the fact it was not responsible for him to be housed on that unit, in which Plaintiff was harmed for no reason by Staff. Plaintiff also made it



Clear to administration of the Prison in that case, that ~~is~~ it was not responsible or appropriate for him to be on that unit, in which Plaintiff is pending an Appeal in the United States Court of Appeals for the Sixth Circuit case No. 21-3204 on that problem as well.

Plaintiff sent letters and documents to the Defendant Director Ms. Smith on this serious matter in regard to Plaintiff's safety on the fact it is not responsible for Plaintiff to be housed on the K2-unit, or at all housed at the Southern Ohio Correctional Facility. Basically she did nothing in regard to facts.

Plaintiff made it clear to the Defendant Warden Mr. Erdos about the same facts threw documents he did nothing as well.

Plaintiff also made the same facts clear to Defendant Davis who was the unit manager chief at the time of the above incidents, but she



is now the Deputy warden of operations  
She never addressed Plaintiff's concerns  
at the least with her immediate  
position consisted of.

And by Defendant Davis not addressing  
Plaintiff concerns and to knowingly  
place him in harms way on the same  
unit with staff that alleged plaintiff  
assaulted them, as made this matter  
very serious, highly serious because  
only trouble can happen with an inmate  
being on the same unit with staff  
that stated an inmate assaulted them.  
In which Plaintiff is pending several  
civil matter on these facts.

Defendant Smith and Erdos can be  
held liable because Plaintiff's life  
and safety is in immediate harms  
way and they know that it's not  
responsible or appropriate for plaintiff  
to be housed on the K2-unit, and  
they took no responsible action in regard  
to Defendant Davis action but  
instead let these staff do what  
ever they want, leaving Plaintiff  
no choice but to pursue his



Federal constitutional rights in light of his safety from prison staff and administration who knowingly place inmates in danger and ~~do~~ do not address inmates cogent concerns such as the facts within plaintiff's complaint herein, and ~~this~~ civil action already before this court on the matter, as well.

### Exhaustion

Plaintiff White did use the grievance system and sent a complaint (Exhibit A) directly to the chief inspector due to the fact this matter is highly serious and should not be overlooked. Plaintiff sent his complaint to the chief inspector March 23, 2021, and have received no response to his emergency ~~and~~ ~~and~~ situation, plaintiff's safety ~~is~~ is in immediate danger.

## Legal Claims

The defendants have violated completely Plaintiff's Jermal White's Eight ~~Amendment~~ Amendment to United States Constitution when they knowingly placed him in harms way on the K2-unit, against highly serious facts that prove that it is not responsible or appropriate for him to be on that unit, as addressed in this instant complaint. Plaintiff has suffered serious deliberate indifference by defendants.

The Plaintiff has no plain, adequate or complete remedy at Law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the unlawful conduct of the defendants unless this court grants the declaratory relief, and inductive relief which plaintiff seek.



### Prayer for relief

Wherefore, Plaintiff respectfully prays that this court enter Judgment granting Plaintiff. A declaration that the acts and omissions described herein violated Plaintiffs rights under the constitution and Laws of the United States.

A Preliminary and permanent injunction ordering defendants, Smith, Erdos, and Davis to transfer Plaintiff to an different and to stop placing him in harmsway.

Compensatory damages in the amount of 20 thousand dollars against each defendant, jointly or severally.  
and other relief this court ~~seems~~ deems just, proper, and equitable.

Date: March 26, 2021

respectfully submitted  
Jermal White 654040  
Southern Ohio Corr. facility  
P.O. Box 45699  
Lucasville, Ohio 45699

## Verification

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at: Lucasville, Ohio, date: 3-26-21

Jermealwhite  
#AC54-040



### Certificate of Service

I hereby certify that this complaint has been sent via regular mail to office of the clerk Southern District of Ohio 100 East Fifth Street room 103 Cincinnati Ohio 45202 this 26<sup>th</sup> day of March 2021

Respectfully submitted  
Jermeal White  
#A654-040

Jermal White #AG54-040  
S.O.C.F.  
P.O. Box 43699  
Lucasville, Ohio 43699

Southern Ohio Correctional Facility  
Columbus, OH 430



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TO: Office of the clerk  
United States District Court  
Southern District of Ohio  
100 East Fifth Street  
Room 103  
Cincinnati, Ohio 45202

45202-410300